

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff(s),

v.

JUSTIN COSTELLO et al.,

Defendant(s).

CASE NO.
2:22-cv-01388-RSM

ORDER REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND
EARLY SETTLEMENT

I. INITIAL SCHEDULING DATES

The Court sets the following dates for initial disclosure and submission of the
Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference: 12/20/2022

Initial Disclosures Pursuant to FRCP 26(a)(1): 12/27/2022

Combined Joint Status Report and Discovery
Plan as Required by FRCP 26(f)
and Local Civil Rule 26(f): 1/3/2023

The deadlines above may be extended only by the Court. Any request for an
extension should be made by email or telephone to Laurie Cuaresma, Courtroom Deputy,
at laurie_cuaresma@wawd.uscourts.gov or (206) 370-8521. If Defendants have
appeared, the parties are directed to meet and to confer before contacting the Court to
request an extension.

If this case involves claims which are exempt from the requirements of FRCP
26(a) and 26(f), please notify Laurie Cuaresma, Courtroom Deputy, by email or

1 telephone at laurie_cuaresma@wawd.uscourts.gov or (206) 370–8521.

2 **II. JOINT STATUS REPORT & DISCOVERY PLAN**

3 All counsel and any pro se parties are directed to confer and provide the Court
4 with a combined Joint Status Report and Discovery Plan (the "Report") by
5 January 3, 2023. This conference shall be by direct and personal communication,
6 whether that be a face-to-face meeting or a telephonic conference. The Report will be
7 used in setting a schedule for the prompt completion of the case. It must contain the
8 following information by corresponding paragraph numbers:

9 1. A statement of the nature and complexity of the case.
10 2. A proposed deadline for the joining of additional parties.
11 3. The parties have the right to consent to assignment of this case to a full time
12 United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13,
13 to conduct all proceedings. The Western District of Washington assigns a wide range of
14 cases to Magistrate Judges. The Magistrate Judges of this district thus have significant
15 experience in all types of civil matters filed in our court. Additional information about
16 our district's Magistrate Judges can be found at www.wawd.uscourts.gov. The
17 parties should indicate whether they agree that the Honorable Judge
18 may conduct all proceedings, including trial and the entry of judgment. When responding
19 to this question, the parties should only respond "yes" or "no." Individual party
20 responses should not be provided. A "yes" response should be indicated only if all
21 parties consent. Otherwise, a "no" response should be provided.

22 4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.),
23 the parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3), which
24 includes the following topics:

25 (A) initial disclosures;

26 (B) subjects, timing, and potential phasing of discovery;

- (C) electronically stored information;
- (D) privilege issues;
- (E) proposed limitations on discovery; and
- (F) the need for any discovery related orders.

5. The parties' views, proposals, and agreements, by corresponding paragraph letters (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes the following topics:

- (A) prompt case resolution;
- (B) alternative dispute resolution;
- (C) related cases;
- (D) discovery management;
- (E) anticipated discovery sought;
- (F) phasing of motions;
- (G) preservation of discoverable information;
- (H) privilege issues;
- (I) Model Protocol for Discovery of ESI; and;
- (J) alternatives to Model Protocol.

6. The date by which discovery can be completed.

7. Whether the case should be bifurcated by trying the liability issues before the damages issues, or bifurcated in any other way.

8. Whether the pretrial statements and pretrial order called for by Local Civil Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake of economy.

9. Any other suggestions for shortening or simplifying the case.

10. The date the case will be ready for trial. The Court expects that most civil cases will be ready for trial within a year after filing the Joint Status Report and

1 Discovery Plan.

2 11. Whether the trial will be jury or non–jury.

3 12. The number of trial days required.

4 13. The names, addresses, and telephone numbers of all trial counsel.

5 14. The dates on which the trial counsel may have complications to be
6 considered in setting a trial date.

7 15. If, on the due date of the Report, all defendant(s) or respondents(s) have not
8 been served, counsel for the plaintiff shall advise the Court when service will be
9 effected, why it was not made earlier, and shall provide a proposed schedule for the
10 required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

11 16. Whether any party wishes a scheduling conference before the Court enters
12 a scheduling order in the case.

13 17. List the date(s) that each and every non–governmental corporate party filed
14 its disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.1.

15 If the parties are unable to agree to any part of the Report, they may answer in
16 separate paragraphs. No separate reports are to be filed. If the parties wish to have a
17 status conference with the Court at any time during the pendency of this action, they
18 should notify Laurie Cuaresma by email or telephone at
19 laurie_cuaresma@wawd.uscourts.gov or (206) 370–8521.

20 **III. PLAINTIFF'S RESPONSIBILITY**

21 This Order is issued at the outset of the case, and a copy is sent by the clerk to
22 counsel for plaintiff (or plaintiff, if pro se) and any defendants who have appeared.
23 Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies of this Order on all
24 parties who appear after this Order is filed. Such service shall be accomplished
25 within ten (10) days after each appearance. Plaintiff's counsel (or plaintiff, if pro se)
26 will be responsible for starting the communications needed to comply with this Order.

IV. ALTERATIONS TO ELECTRONIC FILING PROCEDURES

Beginning June 1, 2004, counsel are required to electronically file all documents with the Court. *Pro se* litigants may file either electronically or in paper form. Information and procedures for electronic filing can be found on the website for the Western District of Washington at www.wawd.uscourts.gov. The following alterations to the Electronic Filing Procedures apply in all cases pending before Judge Martinez:

1. Section III, Paragraph F: when the aggregate submittal to the Court (*i.e.*, the motion, any declarations and exhibits, the proposed Order, and the certificate of service) exceeds **fifty (50)** pages in length, a paper copy of the documents (with tabs or other organizing aids as appropriate) shall be delivered to the Clerk's Office for chambers, in addition to electronically filing the document. The chambers copy must be clearly marked as a "Courtesy Copy of Electronic Filing for Chambers."

2. In addition, unless the proposed Order is stipulated, agreed, or otherwise unopposed, the parties need not e-mail a copy of the proposed Order to the judge's e-mail address.

V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION

If settlement is achieved, counsel shall immediately notify Laurie Cuaresma, Courtroom Deputy, at laurie_cuaresma@wawd.uscourts.gov or (206) 370-8521.

The parties are responsible for complying with the terms of this Order. The Court may impose sanctions on any party who fails to comply fully with this Order.

DATED: The 22nd of November 2022



Honorable Ricardo S. Martinez
United States District Judge